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PROCUREMENT & CONTRACT MANAGEMENT STRATEGY 2018-2021

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Author	Leanne Birkett, Procurement & Contract Management Officer
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Document Distribution

This policy is to be available to all staff and elected members of Copeland Borough Council by being placed on the Council's Intranet Site post approval.

Contributors

Contributors to V0.9 (November 2018):
National Procurement Strategy for Local Government in England 2014
National Procurement Strategy for Local Government in England 2018 – Delivering the ambition
Sarah Pemberton, Director of Corporate Services and Commercial Strategy (Monitoring Officer)
Clinton Boyce, Solicitor

Contributors to V1.0 (December 2019):
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Sarah Pemberton, Director of Corporate Services and Commercial Strategy (Monitoring Officer)

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1. FOREWORD

The launch of the Council's revised Procurement and Contract Management Strategy is an opportunity to reflect on the devastating impact of the August 2017 cyber-attack; in particular, to the momentum lost on the Council's Commercial Strategy which included adoption of the procurement ideal of "more for less", and, look ahead to the challenging times we face.

These challenges include demographic changes, increasing service user expectations, environmental and social challenges and the need to deliver further significant savings. Partnership working is key to successfully meeting these challenges – by service areas working closer together, through strong engagement with communities, providers and strategic partners.

As with all public sector organisations, Copeland Borough Council continues to face significant financial pressures as a direct result of reduced funding from Central Government. This, coupled with both an increase in demand for services and greater customer expectation, proves it's crucially important that we have the best innovative solutions to drive down our costs whilst improving our services.

Through an effective Procurement Service, Copeland Borough Council wants to make sure that its commercial arrangements and contracts awarded are fit for purpose, offer excellent value for money and ensure our procurement expenditure provides the best possible social value for our residents, businesses and tax payers.

This strategy sets out a framework which is designed to enable the Council to continue on its procurement journey of change and innovation.

2. INTRODUCTION

This document sets out the Council's strategic approach to procurement activity for the period 1st April 2018 to 31st March 2021.

Its purpose is to communicate clearly to all employees, partners, suppliers and stakeholders the Council's vision for both procuring goods, works and services, and, the performance and monitoring of the same, once they have been procured. It is intended to ensure the Council obtains both optimum value for money and highest

quality achievable, in all its procurement activities and within a framework that supports the principles and priorities of sustainability.

Copeland Borough Council is committed to adopt a responsible approach that ensures clarity and focus within all our procurement briefs to ensure we provide fit for purpose services and products. We have an obligation to make expenditure choices that best meets the needs of service users and the local community, in order to deliver high quality, value for money public services. Ultimately allowing us to achieve our key priorities.

The principles contained within this strategy will be applied to all procurement activity throughout the period 2018 to 2021; it will be continually reviewed to reflect the evolving needs of the Council.

3. THE COUNCIL'S VISION

This Procurement and Contract Management Strategy will align with both the Council's Corporate Strategy 2020-2024 and the Council's Commercial Strategy 2019-2023, ensuring that procurement functions and activities contribute towards the Council's overall economic, social and environmental aspirations, and procurement decisions are not exclusively focused on price alone.

Copeland Borough Councils aim for Procurement is:

To secure best value through professional, planned and sustainable procurement, which best meets the needs of our communities and businesses; and supports the delivery of the Council's Corporate Strategy

3.1 LINK TO CORPORATE STRATEGY

This document outlines our Procurement objectives of the Council within the context of the Council's Corporate Strategy:

- **Our Mission for Copeland:** To make Copeland a better place to live, work and visit
- **Our Vision for the Council:** Copeland Borough Council is a commercially focused organisation with a national reputation for high quality services

- **Our Values:** Work with partners, be cost effective and treat everyone fairly
- **Our organisation:** 5 Principles – People, Passion, Professionalism, Productivity, Performance

The way in which the Council conducts its Procurement obligations is integral to the success of the Corporate Strategy, in particular to, “.....continue to provide services to residents, to the highest possible quality and accessibility, for the lowest possible cost.”

It is imperative that we communicate the Council’s vision in our procurement of services, supplies and works to all employees, partners, suppliers and stakeholders. The sharing of this vision and commitment of the Mayor, Chief Executive, Corporate Leadership Team and Officers in using this strategy; will ensure the Council obtains optimum value for money for every pound of public money it spends.

3.2 LINK TO COMMERCIAL STRATEGY

The Commercial Strategy 2019-2023 has four key, inter-related principles that will drive a focussed approach to delivering the Council’s commercialisation agenda. The key elements and activities of the commercial strategy are illustrated below:

COMMERCIAL STRATEGY 2019-2023

CORPORATE MODERNISATION	REVENUE GENERATION	ECONOMY & REGENERATION	INVESTMENT OPPORTUNITIES
Commercial skills & culture	Fees & Charges	Economic Growth	Asset return & challenge
Performance & Productivity	Full Cost recovery	Development link to Local Plan	Regeneration & Development focussed
Identifying markets	Zero based budgeting	Business Rates retention	Ethically sourced funding
Robust service planning	Demand Management	Employment & Skills	Local Asset Backed Vehicles
Horizontal integration	Tradeable services	Enabling Wellbeing	Joint Ventures & collaborative Partnerships
Benchmarking	Digitisation	Housing	Investment fund
Branding & Reputation	Shared Services	"Smart City" Thinking	Targeted R.O.I.
Marketing/ Business Intelligence	L.A. Trading Company	Energy investment opportunities	
Efficiency & Effectiveness	Procurement & Contract Management	Inward Investment	
Alternative delivery models	E Procurement	Green investment	
Risk Awareness	Treasury Investments	Social investment funding & inclusion	

Procurement excellence is imperative in facilitating the achievement of these ambitions. It is vital that we ensure all our contracts and procurement objectives, provide optimum value for money to maximise the benefits for the residents of Copeland.

4. PROCUREMENT DEFINED

Procurement can be defined in simple terms as the process of buying goods, works and services, whether through external means or through the Council's own resources.

The Procurement process covers the whole life-cycle of a product or service, from when the need for the service is first identified; right through to the end of its life to disposal and replacement. It is concerned with securing the right goods and services that best meet the needs of users and the local community whilst providing best value, in order to help achieve the Council’s key priorities.

Procurement requires local authorities to ensure sustainability and to deliver continuous positive outcomes for the community, whilst incorporating the fundamental principles of efficiency, economy and effectiveness.

Procurement, therefore, has a broader meaning than that of simply “purchasing” or “buying”.

5. PROCUREMENT STRATEGY

Strategic procurement is a series of activities and processes which sits at the heart of the Council, providing the framework and following the cycle by which the Council obtains best value for money in all the goods, services and works that it both requires, and, acquires. This can be illustrated by the following diagram, which shows the interrelationship between the role of corporate procurement and the Council as a whole:



Strategic procurement activity will be within the defined timescale of the strategy i.e. a three-year cycle with annual Procurement Plans to be agreed by Executive. It will be undertaken in a performance management environment and will prioritise areas

of activity that will generate savings and/or improved quality, notwithstanding the requirement to contribute to corporate priorities and service improvements. Procurement activity will systematically be planned to avoid inefficient “panic” buying and the ineffective and invariably non-cost effective and unintentional rollover of contracts which can, on occasion, happen by default.

It is important to ensure that procurement decisions are legal, ethical and in accordance with the policies and procedures of the Council. And additionally, consideration is given to the impact on the economic, social and environmental well-being of the Borough.

6. CONTRACT MANAGEMENT DEFINED

Contract management can be defined as the continuous review and management of contracts, deliverables, deadlines, and contract terms while ensuring services, goods or works are delivered to our satisfaction. When applied effectively, Contract Management will maximise financial and operational performance of the Supplier and minimise risk to the Council; and so is therefore integral to successful procurement as a whole.

7. CONTRACT MANAGEMENT STRATEGY

Contract management is more than just ensuring suppliers meet their contractual obligations, it allows the Council to identify and manage its risks and achieve savings through continuous improvement throughout the contract lifespan.

Through proactive monitoring, review and management of all our contractual terms secured through the procurement process; we will ensure that what is agreed, is actually delivered by our suppliers or partners.

The diagram below illustrates how the strategy will be implemented to support and sustain contract management best practice within Copeland Borough Council.



In short, Copeland Borough Council will ensure effective contract management through:

- **Best Practice /Guide**
 - An easy, accessible guide to contract management will be developed and communicated to all appropriate managers and staff with responsibility and authorisation for Council procurement. This will include clear guidelines on governance and best practice.

- **Staff Training**
 - To support a sustained approach to best practice staff will be able to access procurement and contract management workshops and mentoring to gain or improve skills that can be applied in practice.

- **Contract Life Cycle**
 - Strategic priorities agreed at the outset are delivered in a timely and cost effective manner
Ensuring compliance with the terms and conditions agreed.
 - A contract manager is assigned with clear understanding of roles and responsibilities in managing the contract and outcomes.

- Documenting and agreeing any changes or amendments that may arise during contract implementation or execution.
- Regular reviews are undertaken and lessons learnt fed back into the commissioning and procurement process to ensure continuous improvement
- Continuing performance reporting to ensure costs and risks are managed appropriately
- Renegotiation to achieve savings and ensure delivery remains fit for purpose
- Issues of non-compliance or variation are picked up early and either dealt with or appropriately escalated for resolution

○ Contracts Register

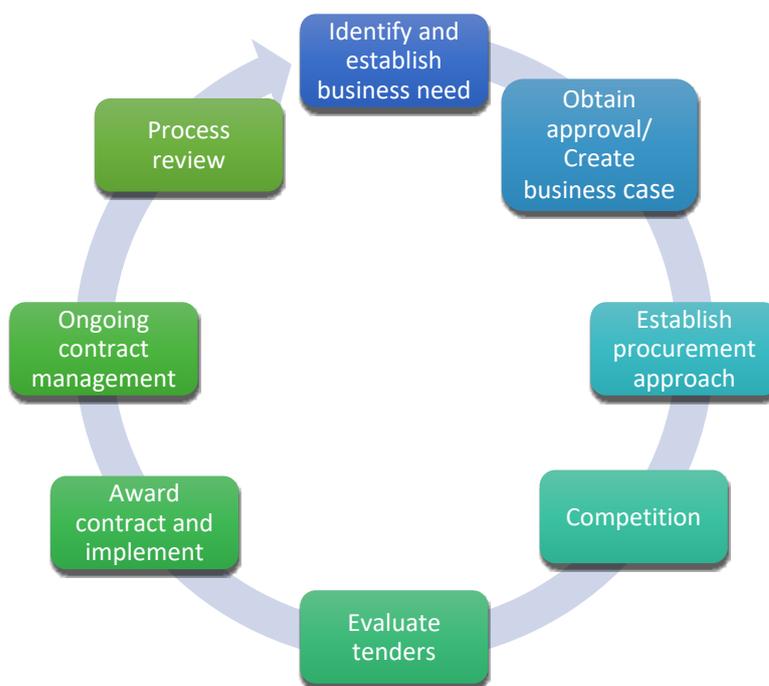
- The Contracts Register is published on the Copeland Borough Council website in the spirit of transparency and good governance. This will be updated quarterly, with a target to move to monthly updates when possible.
- Our electronic procurement portal, The Chest, has a Contracts Register facility that has been populated with details of each tender that has been advertised via the Chest since 2019. Inbuilt core functions ensure the Project Manager is automatically prompted at the scheduled review date and has a useful storage solution for contract documents. It is hoped that this system will replace the current manual system once the legacy contracts have expired. This will not only provide Project Managers unlimited and easy access to contract documentation but in addition, provides a low maintenance alternative, as the contract register is updated in real time; and publications could be accessed via a link on our website.
- The Procurement and Contract Management Officer will have full control of the Contract Register which lists all contracts with a total value over £10k.
- Progress on the Contract Register is reported to CLT on a regular basis.

○ Supplier Relationship Management

- Service Managers will be encouraged to work with Suppliers in an open, honest and collaborative way. Developing these relationships will only benefit the success of the contract for both parties. We will encourage Service managers and teams to meet with suppliers on a regular basis (where appropriate).
- Communications are strengthened between the Council, its current suppliers and potential future suppliers.
- Maintaining strong working relationships with all suppliers, Councils and wider stakeholder engagement

- Performance Management
 - Implementing effective performance monitoring and transparency.
 - To ensure effective performance reporting on key contracts within the Council’s corporate performance framework.

8. PROCUREMENT CYCLE



The Procurement Cycle explained

- Identify and establish business need

The first stage of the procurement process is to understand and define the business needs. By involving cross functional stakeholders in this process and utilising their individual expertise will ensure a high level specification is developed in the later stages.
- Obtain approval/Create business case

For contracts over £50k, either an outline of full business case should be drafted and approved through the correct channels before the procurement process can commence. These business cases should review the need for an inclusion and equality assessment and an equality impact assessment should be undertaken where the procurement outcome will impact on residents. This is in line with the Councils equality scheme and rural proofing commitments. Similarly, necessary budget should be approved as part of this process via the completion of the Procurement Request Form (where required). The case documentation

must include the detail of the tender brief. This brief will follow the Council's templates and be appropriate to the size and content of the works or services required. Briefs are expected to be consulted on within the relevant corporate and service teams to ensure the brief is clearly articulated, fit for purpose and quality assessed by line management.

- **Establish procurement approach**

The most appropriate procurement approach will need to be assessed and agreed. This can be anything from a simple request for quotation from 3 known suppliers via a secure e-mail address; to a tender with a contract value that exceeds financial thresholds (i.e. Official Journal of the European Union - OJEU). Frameworks can also be considered if available and the terms are agreed in advance by the Solicitor. The procurement approach should be discussed with the Procurement Officer to determine the best route for the project and to ensure compliance with the latest version of our Contract Standing Orders and Public Contracts Regulations 2015.

- **Competition**

Creating competition is a key component in demonstrating that a purchase represents value for money for the authority. Free and open competition is the most advantageous means of ensuring that any requirement receives thorough consideration from the market. It also generates commercial tension which encourages supplier to submit good commercial proposals at competitive prices. We aim to advertise all our opportunities over £25k via an e-procurement portal known as 'The Chest', this maintains the integrity of the procurement process, generating interest whilst maintaining a fair and transparent competition event.

- **Evaluate Tenders**

Once suppliers submit their best bids via a tender, they then must be validated and evaluated by the project team, in order to select the preferred supplier. The tender evaluation should be carried out in a structured, disciplined and transparent manner. Most evaluations will assess price alongside technical capability, capacity, quality of service, social value/added value and financial health with the winning bidder being the Most Economically Advantageous Tender (MEAT).

- **Award contract and implement**

Once the most economically advantageous tender has been selected approval to award is obtained and a contract is developed to detail both parties' obligations, forming the foundation to manage the contract relationship effectively. Upon agreeing the final terms, the communication and

implementation process can begin with the supplier and contractor agreeing clear timescales and parameters to complete the project at the inception meeting.

- **Ongoing contract management & Process Review**

There should be periodic reviews of performance against agreed milestones or Key Performance Indicators (KPI's) set out in the tender documents. Discussions with suppliers should be regular and consistent, establishing how the relationship is working for both parties and used as an opportunity to resolve any issues that may have arisen. It is good practice to review the process at contract completion.

9. OUR COMMITMENT & OBJECTIVES

The Council is committed to making Procurement decisions in a responsible manner and through its procurement activity; make a difference to the people, businesses and communities of Copeland.

The Procurement and Contract Management Strategy will focus on these key areas:

- **Efficient Procurement**

The Council is committed to improving the way we operate to ensure we achieve the optimum results from each of our contracts and generate savings where possible.

- **Supporting Local Businesses**

The Council will encourage a mixed range of suppliers to deliver fit for purpose, value for money services. We will also encourage local suppliers to bid for new opportunities, to be innovative and work collaboratively with other providers.

- **Inclusion, Equality & Customer Needs**

In line with the Council commitment to ensuring our services are sensitive and inclusive to our residents and communities; we have corporate policies on equality, safeguarding, accessibility and keeping our customer central to our service design and delivery.

- **Commercialisation, Leadership and Delivery**

There is a commitment right from the top of the Council to procurement excellence. We will guarantee authority wide commitment to ensure our procurement objectives are met effectively within the context of the latest Corporate Strategy 2020-2024 and the Councils Commercial Strategy 2019-2023.

➤ **Modernisation**

The Council will ensure that all modern procurement techniques, procedures, strategies and methods are adopted to achieve value for money from the market

The Procurement Service will:	We will achieve this by:
Achieve value for money for the Council and the people of Copeland	<ul style="list-style-type: none"> ➤ Buying responsibly at all times to deliver the Council’s strategic outcomes and ensure services effectively meet need ➤ Adopting a category management approach in key areas of spend ➤ Partnering and collaboration with other authorities where possible to pool resources and obtain better contract prices by maximising our purchasing power ➤ Effective contract management by ensuring all procured/contracted services can demonstrate that they are committed to our vision and values and support the Council’s aims and principles ➤ Regular monitoring of procurement expenditure ➤ Monitoring and reporting on savings generated from any procurement activity
Support the local economy and businesses of the Borough and develop and maintain strong working relationships with all suppliers	<ul style="list-style-type: none"> ➤ Inclusion of economic, environmental and social value criteria in all contracts ➤ Reducing waste by making sustainable choices when procuring products and services ➤ Improving access and creating opportunities for Small and Medium sized Enterprises (SME’s) and Voluntary, Community and Social Enterprises (VCSE’s) ➤ Simplifying our procurement processes including tender templates and instructions to suppliers ➤ Pro-actively engage with local businesses, assist with and encourage tender submissions from smaller local businesses

The Procurement Service will:	We will achieve this by:
	<ul style="list-style-type: none"> ➤ Implementing effective performance monitoring and transparency ➤ Actively look to implement Voluntary Living Wage in our procurement practices on a case by case basis
<p>Behave commercially and demonstrate strong leadership to increase our impact and influence across the public sector</p>	<ul style="list-style-type: none"> ➤ Commitment from the top to deliver our Procurement policy and Senior Manager engagement ➤ Engaging Councillors and the adoption of a Champion at the beginning of each municipal year ➤ Encouraging and promoting commercial opportunities ➤ Develop a more commercially focused procurement culture ensuring staff are knowledgeable and trained to obtain maximum benefit from our procurement practices ➤ Engage with suppliers to improve performance, reduce costs, mitigate risk and harness innovation ➤ Being more influential to obtain better value from our contracts ➤ The Council working as 'one team' to design and implement public services and the procurement service working as an integral part of that team
<p>Modernisation - by reviewing current practices, procedures and maximising the use of technology</p>	<ul style="list-style-type: none"> ➤ Maximising the use of our e-procurement portal ➤ Providing robust, simple and legally compliant procedures ➤ Ensuring a fair, open and transparent procurement process which is undertaken to the highest standards of probity, honesty, integrity and professionalism ➤ Alleviating financial pressures through commercialisation and income generation ➤ Encouraging supplier innovation ➤ Ensure value for money through the application of best practice procurement techniques ➤ Encouraging new ways of working to improve the quality and efficiency of services ➤ Development, implementation and maintenance of a formal contract register

The Procurement Service will:	We will achieve this by:
	<ul style="list-style-type: none"> ➤ Procurement work plan activity informed by robust expenditure analysis ➤ Complying with all relevant legislation including Public Contract Regulations and completing a periodic audit to ensure compliance with our own governance procedures
Ensure residents and customer needs are at the heart of our procurement processes	<ul style="list-style-type: none"> ➤ Ensuring contracts maximise opportunities for accessibility recognising and addressing: ➤ Equality and rurality issues as appropriate to the procurement – this may include an equality impact assessment by service contract providers ➤ Enable our procurement and contract management to inform our policy development and awareness of resident communities and borough issues ➤ Awareness of working ethically and actively in partnership to ensure best practice and keeping delivery responsive to local need.

10. VALUE FOR MONEY

The Council remains committed to achieving Value for Money, in order to demonstrate economy, efficiency and effectiveness of service delivery. Procurement decisions such as whether to continue to provide the goods, services or works, and whether to provide them internally or externally are central to this requirement.

The Council is therefore:

- driven by optimising outputs and results
- driving down the cost of goods and services procured by the Council
- balancing quality and cost
- responding promptly and effectively to service and resident's requirements
- ensuring simple or routine transactions can be carried out in the most efficient manner
- considering all options in obtaining the most appropriate solution
- valuing innovation and creativity
- using competition to obtain best value
- proactively supporting the Council's policies and priorities
- complying with legislation

- being transparent and accountable
- Where practicable, working with other public sector organisations in order to achieve value for money and maximise economies of scale for routine supplies

It is essential that the Council not only adopts processes to secure best value, but can evidence the efficiencies obtained and also has to the ability to radically re-think and re-shape the way the Council undertakes procurement so that continuous improvement becomes a key element of its strategy.

11. RULES & REGULATIONS

Procurement at the Council is governed by the Council Constitution predominantly Contract Standing Orders and also Financial Regulations for the authorised spending limits.

Our Contract Standing Orders (updated and adopted September 2019) provide a clear process for the procurement of goods, works and services which the Council is required to have by Section 135 of the Local Government Act 1972. Not only do the Contract Standing Orders set clear rules for the procurement of goods, works and services for the Council, they also provide a system of openness, integrity and accountability; ensures value for money and gives confidence that we are fulfilling our fiduciary and legal responsibilities.

Every contract made by or on behalf of the council must comply with these procedure rules. In addition, as a Local Authority, there are also regulations at a European, national and local level which we have to follow when procuring goods and services as well as our Contract Standing Orders.

Where the value of the Council's procurement opportunities exceeds the EU Threshold value, compliance with the Public Contracts Regulations (2015) and the EU Procurement Directive (2014/24/EU) is required. A contract notice must be published in the OJEU in order to invite tenders for expressions of interest.

The Council must also comply with EU Treaty principles. Case law from the European Court of Justice (ECJ) confirms that the EU Treaty principles of non-discrimination apply irrespective of contract value. This means that there is a need to ensure a sufficient degree of advertising to enable the market to be opened up to

competition, and that the procurement process undertaken is impartial when procuring goods and services, regardless of the value.

12. COUNCIL'S ASPIRATIONS AND INTENTIONS

The Council's Governance Expectation sets out, as far as it is able to do so under law how the Council will expect its suppliers and partners to act. The matters listed below and the extent to which they will be applied to any procurement must be proportionate and relevant to the contract.

General Data Protection Regulation 2016/679 (GDPR): The Council is committed to ensuring that personal data is processed, stored or shared as securely as possible and only for those purposes for which the personal data is collected.

To comply with its obligations, we have in place processes and procedures to ensure compliance with GDPR. When we enter into contracts that involve the sharing and processing of personal data we will follow the specific contractual obligations imposed by the GDPR.

Modern Slavery Act 2015 (MSA): The Council is committed to doing what it can to combat slavery and prevent human trafficking within its business and supply chain. The Council's aspiration is to have a positive impact on the fair and safe working conditions of those working directly or indirectly for us and we expect our suppliers/contractors/partners to share our intentions.

Due Diligence: The Council will use all endeavours to ensure that suppliers have in place policies and procedures that address any workers' legitimate concerns pursuant to governing legislation e.g. Health and Safety issues, Whistleblowing, Trade Union membership; zero hour contracts; and where appropriate include proportionate contract clauses in the Council's terms and conditions.

Public Services (Social Value) Act 2012: This Act applies to all service contracts and frameworks to which Public Contracts Regulations 2015 apply. It is our duty to consider how what is being procured might improve the economic, social and environmental wellbeing of our Borough. We will also consider how, through the procurement, we can secure that improvement whilst acting proportionately and ensuring any action is relevant.

Voluntary Living Wage: It is Council policy that every employee is remunerated with a Voluntary Living Wage. The Council’s vision is much wider and will encourage its Suppliers to pay the Voluntary Living Wage if engaged via the Council’s procurement process.

Apprenticeship & Local Employment: The Council will encourage the employment of apprentices, local labour, employment and training opportunities through the procurement process and contract management.

Ethics: The Council will promote ethical behaviour, minimise the harm caused by trade and encourage good practice, recognise Trade Unions and seek to make a positive contribution to the local community through the procurement process and its contracts.

13. PROCUREMENT IN COPELAND BOROUGH COUNCIL

The Council administers Procurement and commissioning through the Procurement Section. This is a corporate resource which leads on corporate contracts and supporting projects, whilst enabling services to procure and commission locally within a clear corporate framework. It provides support wherever required to each service and monitors procurement activity across the whole Council. It will undertake reviews of all strategic procurement and commissioning projects to ensure optimal benefit to the council is achieved.

14. PERFORMANCE INDICATORS

The following performance indicators will be monitored as part of the quarterly performance reports which are set out in the Performance Management and Improvement Framework:

Theme	Measure	Target 18/19	Target 19/20	Target 20/21
Procurement Strategy	Adopted and procedure followed	Y	Ongoing	
Strategic Sourcing	<ul style="list-style-type: none"> Number of bidder challenges No formal complaints of unfair discrimination in the 	< 10%	< 10%	<5%
		0	0	0

	development and award of contracts			
Social Value	<ul style="list-style-type: none"> • Minimum 1/2 bidders from local suppliers • All tenders include questions relating to diversity, equality, apprentices/work placements (where allowed) as part of evaluation process 	>50%	>25%	>25%
		Y	Y	Y
Governance	<ul style="list-style-type: none"> • Regular review and publishing of contract register • Review of processes and ensure correct procedures followed (Project Management Framework, Contract Procedure Rules etc.) • New Procurement processes and Contract Management Managers guide 	Quarterly	Monthly	Monthly
		Implement	Y	Y
		Implement	Review	Review
Contract & Supplier Management	<ul style="list-style-type: none"> • Minimum quarterly Contract reviews (over £25k and +12month duration) and monitoring targets achieved • Number of contracts terminated or failed prior to expected end date 	75%	85%	90%
		<15%	<10%	<10%
Contract Performance Evaluation	Identified contract benefits delivered	Implement	75%	85%

Category Management	Annual £ savings achieved / delivered	To be recorded & tracked (£+/-)
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15. GOVERNANCE AND RESPONSIBILITY

A core part of the Council’s corporate governance is risk management. In the context of procurement, it is about ensuring all procurement at the Council is delivered within a consistent structure, and that the Council makes decisions based upon a process that explicitly defines and supports better decision-making. This is achieved by providing a better understanding of the risks involved with procurement and their impact upon the Council.

The Council’s risk management policy and procedures provide the tools to ensure that the risk registers are in place for contracts and procurements as required. These risk registers will be set out within the business case in the first instance and continue to be monitored and developed through the procurement phase and into contract management activity.

In all their dealings, Councillors and Officers will preserve the highest standards of honesty, integrity, impartiality and objectivity in accordance with the Council’s Constitution, Financial Regulations, Contract Standing Orders and Member’s and Employee’s Code of Conduct.